UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/978,026	10/17/2001	Martin Tasler	2000P15975US	3824

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EXAMINER
KHOSHNOODI, NADIA

ART UNIT	PAPER NUMBER
2133	

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)	
Office Action Summary	09/978,026	TASLER, MARTIN	
	Examiner	Art Unit	
	Nadia Khoshnoodi	2133	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _10/17/2001_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
    closed in accordance with the practice under _Ex parte Quayle_, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-8_ is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-8_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _17 October 2001_ is/are: a)☐ accepted or b)☒ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☒ All   b)☐ Some * c)☐ None of:

   1.☒ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

SHELLY CHASE
PRIMARY EXAMINER

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _3/9-2-2004_.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Drawings

The drawings are objected to because descriptive labels other than numerical are needed

for fig. 1. See 37 CFR 1.84(o). A proposed drawing correction or corrected drawings are

required in reply to the Office action to avoid abandonment of the application. The objection to

the drawings will not be held in abeyance.

Claim Objections

Claims 1 and 5 are objected to because of the following informalities: the preamble of

the claim is not separated from the body of the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 103

I.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

II.   Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wizig, U.S.

Patent No. 6,735,569, and further in view of Ikebata et al., EP Patent No. 0895750 A2.

As per claim 1:

Wizig substantially teaches the method for identifying a user, in which at least one

person-specific feature of the user, is requested by a central server and is transmitted to the

central server by an input appliance of a user computer device via a telecommunication link (col.

6, line 61 - col. 7, line 47 and fig. 1, element 200), in particular over the Internet (fig. 1, element

140), and is compared with stored user data (col. 10, lines 36 – col. 11, line 31), and he at least

one person-specific feature being selected in a second feature group comprising the user name

and/or the date of birth and/or a user number and/or a secret number (fig. 10).

Not explicitly disclosed by Wizig is the at least one person-specific feature being selected

by the central server on the basis of the random principle from a plurality of features recorded in

a first feature group comprising the print from at least one finger and/or the image of the iris of at

least one eye and/or a voice sample and/or a sample signature and/or an image of at least part of

the user and/or the genetic fingerprint.

However, Ikebata et al. teach that information regarding person-specific features can be

maintained in storage, as a first feature group, in order to authenticate a user by using biometrics

such as fingerprints, voiceprint, and/or iris patterns. Furthermore, Ikebata et al. teach that the

user's computer device has a camera as an inputting means. Therefore, it would have been

obvious to a person in the art at the time the invention was made to modify the method disclosed

in Wizig to use biometrics, as well as an inputting means to allow the user to respond to the

request for biometric data, in order to have a stronger means of authentication. This

modification would have been obvious because a person having ordinary skill in the art, at the

time the invention was made, would have been motivated to do so since it is suggested by

Ikebata et al. in paragraph 5.

Furthermore, Ikebata et al. teach that the person-specific feature can be randomly selected

from the possible data that exists in the registered user's data record. Therefore, it would have

been obvious to a person in the art at the time the invention was made to modify the method

disclosed in Wizig to randomly select the means of authentication to further strengthen the

authentication process. This modification would have been obvious because a person having

ordinary skill in the art, at the time the invention was made, would have been motivated to do so

since it is suggested by Ikebata et al. in paragraphs 42-47.

As per claim 2:

Wizig and Ikebata et al. substantially teach the method as claimed in claim 1.

Furthermore, Ikebata et al. teach the method characterized in that a plurality of person-specific

features are selected and requested on the basis of the random principle (paragraphs 42-47).

As per claim 3:

Wizig and Ikebata et al. substantially teach the method as claimed in claim 2.

Furthermore, Ikebata et al. teach the method characterized in that, in each case, at least one

feature from the first feature group is chosen (paragraphs 40-41).

As per claim 4:

Wizig and Ikebata et al. substantially teach the method as claimed in claim 1.

Furthermore, Wizig teaches the method characterized in that the data are transmitted in

encrypted form (col. 7, lines 16-20).

As per claim 5:

Wizig substantially teaches a system for identifying a user having at least one central

server (col. 6, line 61 - col. 7, line 47 and fig. 1, element 200) having a database containing

person-specific features for users (col. 7, line 58 – col. 8, line 7 and fig. 2, element 1000), having

at least one external, user computer device which communicates with the server over the Internet

(col. 6, lines 15-24 and fig. 1, element 110) and containing a second feature group comprising

the user name and/or the date of birth and/or a user number and/or a secret number (fig. 10).

Not explicitly disclosed by Wizig et al. is the user computer device having at least one

input appliance which can be used for the server to request at least one person-specific feature

and for transmitting said feature to the server, the person-specific features of a user being stored

on the server in a person-specific data record (3, 4) containing a first feature group comprising

the print from at least one finger and/or the image of the iris of at least one eye and/or a voice

sample and/or a sample signature and/or an image of at least part of the user and/or the genetic

fingerprint and the at least one person-specific feature (5) requested being able to be selected on

the basis of the random principle from the features in both feature groups (3a, 3b, 4a, 4b).

However, Ikebata et al. teach that information regarding person-specific features can be

maintained in storage, as a first feature group, in order to authenticate a user by using biometrics

such as fingerprints, voiceprint, and/or iris patterns. Furthermore, Ikebata et al. teach that the

user's computer device has a camera as an inputting means. Therefore, it would have been

obvious to a person in the art at the time the invention was made to modify the method disclosed

in Wizig to use biometrics, as well as an inputting means to allow the user to respond to the

request for biometric data, in order to have a stronger means of authentication. This

modification would have been obvious because a person having ordinary skill in the art, at the

time the invention was made, would have been motivated to do so since it is suggested by

Ikebata et al. in paragraph 5.

Furthermore, Ikebata et al. teach that the person-specific feature can be randomly selected

from the possible data that exists in the registered user's data record. Therefore, it would have

been obvious to a person in the art at the time the invention was made to modify the method

disclosed in Wizig to randomly select the means of authentication to further strengthen the

authentication process. This modification would have been obvious because a person having

ordinary skill in the art, at the time the invention was made, would have been motivated to do so

since it is suggested by Ikebata et al. in paragraphs 42-47.

As per claim 6:

Wizig and Ikebata et al. substantially teach the system as claimed in claim 5.

Furthermore, Ikebata et al. teach the system characterized in that the input appliance of the user

computer device (7, 13) comprises at least one camera (11) and/or at least one microphone

and/or at least one means (17) for recording a fingerprint (par. 13).

As per claim 7:

Wizig and Ikebata et al. substantially teach the system as claimed in claim 5. Not

explicitly disclosed is the system characterized in that a plurality of central servers having

identical databases are provided. However, Wizig teaches that the central server can have a

plurality of software servers. Furthermore, since the central server holds information regarding

healthcare service providers, having a plurality of central servers with identical databases could

be used in order to accommodate to different geographical locations. Therefore, it would have

been obvious to a person in the art at the time the invention was made to modify the method

disclosed in Wizig to have a plurality of central servers having identical databases. This

modification would have been obvious because a person having ordinary skill in the art, at the

time the invention was made, would have been motivated to do so since it is suggested by Wizig

in col. 7, lines 32-46 and col. 26, lines 46-50.

As per claim 8:

Wizig and Ikebata et al. substantially teach the system as claimed in claim 5.

Furthermore, Wizig teaches the system characterized in that the server (2) and/or the user

computer device (7, 13) comprise a means for data encryption and decryption (col. 7, lines 16-

20).

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Nadia Khoshnoodi whose telephone number is (571) 272-3825.

The examiner can normally be reached on M-F: 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Albert Decady can be reached on (571) 272-3819. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nadia Khoshnoodi
Examiner
Art Unit 2133
7/6/2005

NK

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